

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

AMAZON.COM SERVICES LLC,)	
)	
Employer,)	
)	
and)	Case No. 29-RC-288020
)	
AMAZON LABOR UNION,)	
)	
Petitioner.)	

AMAZON.COM SERVICES LLC’S MOTION TO TRANSFER PROCEEDINGS

Pursuant to Section 102.72(a)(3) of the National Labor Relations Board’s Rules & Regulations, 29 C.F.R. §102.72(a)(3), Amazon.com Services LLC, (“Amazon” or the “Company”), respectfully requests this matter be transferred out of Region 29 for a hearing on Amazon’s timely objections to conduct affecting the results of the election in the above-captioned matter. In support of its request, Amazon states the following:

1. Amazon is timely filing objections in the above-captioned matter.
2. A number of Amazon’s objections assert objectionable conduct by both the Regional Director of Region 29 and various Board Agents who, upon information and belief, work out of the Region 29 office.¹
3. It is appropriate to transfer a representation case proceeding for purposes of a post-election objections hearing where the subject matter of those objections involves Regional or Board Agent action. Such a transfer enables a Hearing Officer outside the Regional Office to hear

¹ The Board Agents did not identify where they work, thus Amazon is unable to discern if the various Board Agents present during the 10 voting sessions all work in Region 29’s office. Upon information and belief, some of the Board Agents work in Region 2’s office. Accordingly, if any Board Agents present for any voting session were from Region 2, or another Region, Amazon contends this matter should not be transferred to that Region, as the objections related to objectionable conduct of Board Agents extends to them.

the objections relating to the Region at issue and an out-of-Region Director to review the Hearing Officer's report. Specifically, General Counsel Memorandum 15-06 states: "If the subject matter of the objections involves regional or Board Agent misconduct that would require that a Hearing Officer outside the Regional office be assigned to hear the matter, the case should be transferred to another Region before an order directing a hearing issues so that exceptions to the Hearing Officer's report will be reviewed by the out-of-region director." General Counsel Memorandum 15-06 ("Guidance Memorandum on Representation Case Procedure Changes Effective April 14, 2015") at 31.

4. Moreover, Section 11424.2(a) of the Board's Representation Casehandling Manual requires that a case be transferred to a different Region where an employer, as Amazon does here, alleges individualized objectionable conduct by Board personnel in the originating Region.

5. Because Amazon objects to actions taken by Regional Director Drew-King and various Board Agents, including, but not limited to, the improper docketing of the petition; inappropriately seeking a 10(j) injunction a week before the election and specifically tying that unrelated 10(j) injunction to the election; making public statements that call into question the Region's "neutral" stance during the election; taking steps—whether intended or not—to disenfranchise voters, and making statements—whether intended or not—purporting to support ALU's cause in front of voters, it would be inappropriate for those same individuals to serve as judges of their own alleged objectionable conduct. Indeed, the Hearing Officer in a postelection objections hearing "makes (1) credibility resolutions and (2) findings, conclusions, and recommendations, whereas the preelection Hearing Officer does neither." CASEHANDLING MANUAL § 11424.3(b).

6. In the interest of fairness, and pursuant to the Board's Rules and Regulations, General Counsel Memorandum, and Casehandling Manual the processing of objections related to this petition should be transferred to another Region.

Respectfully submitted,

HUNTON ANDREWS KURTH LLP

/s/ Kurt Larkin

Kurt Larkin

Riverfront Plaza, East Tower

951 East Byrd Street

Richmond, Virginia 23219-4074

(T): 804-788-8200

(F): 804-788-8218

(E): klarkin@HuntonAK.com

Amber Rogers

Fountain Place

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202-2799

(T): 214-979-3000

(F): 214-880-0011

(E): arogers@HuntonAK.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was electronically filed with the NLRB and was served by electronic mail this 8th day of April, 2022 to:

Kathy Drew King, Regional Director
Region 29, National Labor Relations
Board

100 Myrtle Ave, Suite 5100

Brooklyn, NY 11201-4201

Tel No. – (718) 330-7713

Fax No. – (718) 330-7579

E-mail – KathyDrew.King@nlrb.gov

E-mail – kate.anderson@nlrb.gov

E-mail – ioulia.fedorova@nlrb.gov

Eric Milner

Simon & Milner

99 W. Hawthorne Ave. Suite 308

Valley Stream, NY 11580

Tel No. – (516) 561-6622

Fax No. – (516) 561-6828

E-mail - emilner@simonandmilner.com

/s/ Amber M. Rogers

Amber M. Rogers